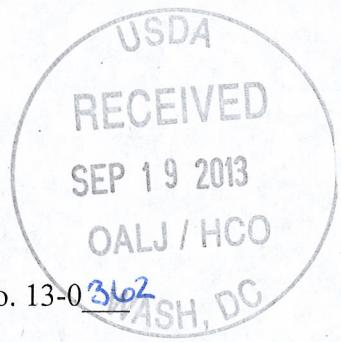


UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE



In re: ) AWA Docket No. 13-0362  
 )  
 KENNETH H. SCHROEDER, an individual, )  
 )  
 Respondent. ) COMPLAINT

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act" or "AWA"), and the regulations issued pursuant thereto (9 C.F.R. § 1.1 et seq.)(the "Regulations"). Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS"), issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Kenneth H. Schroeder is an individual whose mailing address is 14552 State Highway 22, Wells, Minnesota 56097. At all times mentioned herein, said respondent was a dealer as that term is defined in the Act and the Regulations, and held Animal Welfare Act license number 41-B-0017.

ALLEGATIONS REGARDING THE SIZE OF RESPONDENT'S BUSINESS,  
THE GRAVITY OF THE ALLEGED VIOLATIONS,  
RESPONDENT'S GOOD FAITH AND RESPONDENT'S COMPLIANCE HISTORY

2. Respondent operates a large business dealing in dogs. The gravity of the violations alleged in this complaint is great, and include repeated instances in which respondent failed to provide APHIS inspectors access to conduct inspections of respondent's animals, facilities and records. Respondent has failed to comply with the Regulations for a lengthy period of time, and has not shown good faith.

ALLEGED VIOLATIONS

3. On eight occasions (January 27, 2011, April 18, 2011, December 1, 2011,

February 21, 2012, May 29, 2012, November 15, 2012, February 5, 2013, and April 29, 2013), respondent failed to provide APHIS inspectors access to his facilities, records and animals, and failed to have a responsible person available to conduct inspections on his behalf, during normal business hours, in willful violation of section 2146(a) of the Act (7 U.S.C. § 2146(a)) and section 2.126(a) of the Regulations (9 C.F.R. § 2.126(a)).

4. On or about September 27, 2008, respondent willfully violated section 2.132(a) of the Regulations (9 C.F.R. § 2.132(a)), by obtaining a dog from a source other than a licensed dealer, municipal animal pound or shelter, or state-authorized legal entity, such as a humane shelter or contract pound.

5. On or about November 10, 2008, respondent willfully violated section 2.132(a) of the Regulations (9 C.F.R. § 2.132(a)), by obtaining two dogs from a source other than a licensed dealer, municipal animal pound or shelter, or state-authorized legal entity, such as a humane shelter or contract pound.

6. On or about December 27, 2008, respondent willfully violated section 2.132(a) of the Regulations (9 C.F.R. § 2.132(a)), by obtaining a dog from a source other than a licensed dealer, municipal animal pound or shelter, or state-authorized legal entity, such as a humane shelter or contract pound.

7. On or about September 12, 2009, respondent willfully violated section 2.132(a) of the Regulations (9 C.F.R. § 2.132(a)), by obtaining two dogs from a source other than a licensed dealer, municipal animal pound or shelter, or state-authorized legal entity, such as a humane shelter or contract pound.

8. On or about December 10, 2010, respondent willfully violated section 2.132(a) of

the Regulations (9 C.F.R. § 2.132(a)), by obtaining a dog from a source other than a licensed dealer, municipal animal pound or shelter, or state-authorized legal entity, such as a humane shelter or contract pound.

9. On or about the following dates, respondent willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for dogs and cats (9 C.F.R. §§ 3.1-3.19).

- a. November 15, 2010. Respondent failed to remove excreta and waste from primary enclosures daily, and primary enclosures housing 30 dogs contained more than 24-hours worth of feces and soiled shavings. 9 C.F.R. § 3.11(a).
- b. September 14, 2011. Respondent failed to remove excreta and waste from primary enclosures daily, and primary enclosures housing dogs contained more than 24-hours worth of feces and soiled shavings. 9 C.F.R. § 3.11(a).
- c. May 6, 2013. Respondent failed to construct surfaces of housing facilities housing 22 dogs of materials that allow them to be readily cleaned, and failed to clean and sanitize surfaces of housing facilities as required; surfaces of metal bars and metal chains were rusted, and chewed plastic barrels were not able to be cleaned and sanitized. 9 C.F.R. § 3.1(c)(1).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondent, who shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests that unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material

allegations of this complaint, this proceeding be set for oral hearing, upon motion pursuant to section 1.141(b) of the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.  
this 10<sup>th</sup> day of August 2013



Administrator  
Animal and Plant Health Inspection Service

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